

Guojun Zhou
Appl. No. 09/884,423

Remarks

Reconsideration of this Application is respectfully requested. Claims 1-7, 10-14, and 18-22 are pending in the application, of which claims 1, 10, and 18 are independent. Claims 8, 9, 15-17, and 23-24 have been cancelled without prejudice or disclaimer. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Election/Restriction

The Examiner states, on pages 2-3 of the Office Action, that the restriction requirement is deemed proper and is therefore made FINAL. Applicants have therefore cancelled the non-elected claims 8, 9, 15-17, 23, and 24 in compliance with the restriction requirement.

Rejection under 35 U.S.C. § 102

The Examiner, on page 3 of the Office Action, has rejected claims 1-7, 10-14, 18-22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,144,938 to Surace *et al.* (hereinafter "Surace"). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed

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element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claims 1, 10, and 18, the Examiner states that Surace teaches every element of these claims. Applicant respectfully disagrees.

Contrary to the present invention, Surace does not teach or suggest every element of Applicant's invention. For example, referring to independent claim 1, Surace does not teach or suggest at least the following claimed elements:

a psycho-physical state detection mechanism for detecting psycho-physical state of a user based on the speech from the user; and

a spoken dialogue mechanism for carrying on a dialogue with said user based on the psycho-physical state of the user, detected by the psycho-physical detection mechanism from the speech from the user.

With respect to independent claims 10 and 18, Surace does not teach or suggest at least the following claimed elements:

receiving, by a psycho-physical state detection mechanism, input speech data from a user;

detecting the psycho-physical state of the user from the input speech data;

understanding, by a speech understanding mechanism, the literal meaning of spoken words recognized from the input speech data based on the psycho-physical state of the user, detected by said detecting; and

generating, by a voice response generation mechanism, a voice response to the user based on the literal meaning of the input speech data and the psycho-physical state of the user.

Unlike the present invention, Surace does not appear to teach or suggest a *psycho-physical state detection mechanism* or a spoken dialogue mechanism for carrying on a dialogue with said user *based on the psycho-physical state of the user*. Surace also does not appear to teach *detecting the psycho-physical state of the user from the input speech*

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data, understanding ... the literal meaning of spoken words recognized from the input speech data based on the psycho-physical state of the user, or generating ... a voice response to the user based on the literal meaning of the input speech data and the psycho-physical state of the user. Contrary to the present invention, Surace does not determine the psycho-physical state of the user in order to determine a response to the user. Instead, Surace selects a prompt based on various context situations, such as a previously selected prompt and the user's experience with using the voice user interface. *Surace, Abstract.* Surace, unlike the present invention, generates a recognition grammar that specifies a set of commands that are understood by the voice user interface. For example, if an application provides voice mail functionality, recognition grammar that allows a user to access voice mail will be generated. *Surace, col. 6, lines 23-63.* Even though Surace teaches generating dialogs based on a selected personality (*Surace, col. 5, lines 25-38*), Surace does not appear to base the dialogs on the psycho-physical state of the user.

For at least these reasons, Applicant respectfully submits that Surace does not include each and every element of Applicant's claimed invention recited in independent claims 1, 10, and 18. Therefore, independent claims 1, 10, and 18, and the claims that depend therefrom (claims 2-7, 11-14, and 19-22, respectively), are patentable over Surace. Reconsideration and withdrawal of this rejection is respectfully requested.

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Appl. No. 09/884,423*Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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